

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2347 OF 2021
IN
CRIMINAL APPEAL NO.795 OF 2021**

Imran Ahmed Miraj Mohd. And Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

....

Mr. M.N. Sandhyanshiv for the Applicants.

Mr. S.V. Gavand, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th OCTOBER, 2021.

P.C.:-

This is an application under Section 389 of the Code of Criminal Procedure, 1973 for suspension of substantive sentence imposed by judgment dated 04/09/2021 passed by Additional Sessions Judge, Malegaon in Session Case No.154 of 2016 and to enlarge the Applicants on bail.

2. Heard learned counsel for the Applicants and learned APP for the Respondent-State.

3. The Applicants have been held guilty of offence under

Sections 143 and 323 r/w 149 of the IPC. Maximum sentence imposed is of six months.

4. The sentence is a short term sentence. The appeal is of the year 2021 and is already admitted. Considering the large pendency and also considering the present situation arising due to Covid-19 pandemic, it will not be possible to hear the appeal in immediate future.

5. Considering the above facts, the application is allowed on following terms and conditions:-

- (i) The substantive sentence imposed vide judgment dated 04/09/2021 in Session Case No.154 of 2016 is suspended pending disposal of the appeal;
- (ii) The Applicants are ordered to be released on bail on furnishing PR bonds in the sum of Rs.10,000/- each with one or two sureties each in the like amount;
- (iii) The Applicants shall report to the Trial Court, once in three months on the day/date specified by the Trial Court;
- (iv) The Applicants shall keep the Trial Court informed of their current addresses and mobile contact numbers and/or change of residence or mobile details, if any,

from time to time;

- (v) If there are two consecutive defaults in appearing before the Trial Court, the learned Judge shall make report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail;

- 6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)